

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7398 of 2018

Monti @ Mohil Purayane S/o Shekhar Chandra Purayane Aged About 20 Years R/o Village Chorbhatti Police Station Jaijapur, District Janjgir-Champa At Present Charpara Kohadiya, Out Post CSEB Police Station Kotwali Korba, District Korba Chhattisgarh.
--- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer Police Station Kotwali Korba District Korba District : Korba, Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. Govind Ram Miri with Mr. Basant Kaiwartya, Advocates.
For the Respondent	:	Mr. D.R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.10.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.185/2018 registered at Police Station Kotwali, Korba (C.G) for the offences punishable under Sections 363, 366(A), 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was lodged by the mother of prosecutrix that on 19.03.2018 her daughter was enticed away by someone and subsequently when her daughter was found, her statement was recorded wherein it was revealed that she being minor was taken away from the lawful guardianship of her parents by the present applicant and thereafter on the assurance of marriage, he committed forcible sexual intercourse with her.

3. Learned counsel for the applicant submits that in the statement recorded under section 164 of Cr.P.C., the prosecutrix has voluntarily stated that she herself had gone along-with the applicant and the MLC report also shows that she is aged about 15 – 17 years, therefore, under the circumstances, the benefit of doubt lies in favour of the applicant on the ground that the prosecutrix is major.
 4. Per contra, learned State Counsel opposes the bail application.
 5. Perused the statements of girl recorded under sections 161 and 164 of Cr.P.C., as also the M.L.C. Report.
 6. Considering the totality of the facts and circumstances especially the fact that the charge sheet has been filed and after perusal of the statements of prosecutrix and MLC Report, I am inclined to allow this bail application.
 7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**